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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,157	12/06/2000	David A. Salgado	XER 2 0378 D/A0604	8523
7590	09/10/2004		EXAMINER	
Albert P. Sharpe, III, Esq. Fay, Sharpe, Fagan Minnich & McKee, LLP 1100 Superior Avenue, 7th Floor Cleveland, OH 44114-2518			BURLESON, MICHAEL L	
			ART UNIT	PAPER NUMBER
			2626	
			DATE MAILED: 09/10/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/731,157	SALGADO, DAVID A.	
	Examiner	Art Unit	
	Michael Burleson	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-10 and 13-19 is/are rejected.
- 7) Claim(s) 11 and 12 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____ .

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed December 22, 2000 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,3,5,13-15,17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishii US 6501556.
3. Regarding claim 1, Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page (column 2, lines 24-28,column 6, lines 66-67, column 7, lines 1-4 and figure 5), which reads on a method operative to automatically exclude a blank page in an input stream of a printing system job from an output stream of the printing system job, the method comprising the steps of detecting data representative of a blank page in the input stream and deleting the data representative of the blank page from the input stream, thereby excluding the blank page from the output stream.
4. Regarding claim 3, Nishii teaches that the interpreting section (9) asks whether to delete the blank page (figure 5), which reads on requesting permission to delete data representative of a detected blank page.
5. Regarding claim 5, Nishii teaches of interpreting section (9) that interprets a blank page from the input data (column 6, lines 55-67, column 7, lines 1-5, figures 2 and 5), which reads on a method operative to automatically exclude unwanted portions of a job from an output stream of a printing system, the method comprising the steps of describing characteristics of the unwanted portions of the job and searching within the input image data for portions of the job that have the described characteristics.
6. Regarding claim 13,Nishii teaches of a blank page detector (10) that detects blank pages (column 6, lines 66-67). He also teaches that once the blank page is detected, the interpreting section (9) deletes the blank page (column 6, lines 55-67,

column 7, lines 1-5, figure 5). This reads on a printing system operative to automatically remove unwanted portions of input image data, the printing system comprising: a pattern detector operative to receive a description of an unwanted portion of the input image data, search for a portion of the input image data that corresponds to the unwanted portion description, and relate information about a found portion that corresponds to the description; and a portion deleter operative to receive information from the pattern detector regarding a location of the at least one unwanted portion of the input image data and to remove the at least one unwanted portion of the input image data to generate output image data.

7. Regarding claim 14, Nishii teaches that the output image data is sent to a page buffer (17) and is then sent to the printing section (18) for printing (column 5,lines 54-55 and figure 2), which reads on an image destination operative to receive the output image data and at least one of, transmit the output image data to another device and generate hard copy corresponding to the output image data.

8. Regarding claim 15, Nishii teaches of a blank page output mode key (5) for detecting a blank page (column 5,lines 3-6), which reads on a default settings repository operative to store and make available to the pattern detector at least one of, a default unwanted portion description and processing procedure information.

9. Regarding claim 17, Nishii teaches of a printer (2) (figure 1B). It is inherent that the printer (2) contains a print engine. This reads on the image destination comprises a print engine.

10. Regarding claim 18, Nishii teaches of a page printer (column 4, lines 44-45), which reads on the image destination comprises a xerographic printer.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Nishii US 6501556 in view of Nakajima Toru JP 07-307827.

13. Regarding claim 2, Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5), which reads on a method operative to automatically exclude a blank page in an input stream of a printing system job from an output stream of the printing system job, the method comprising the steps of detecting data representative of a blank page in the input stream and deleting the data representative of the blank page from the input stream, thereby excluding the blank page from the output stream.

14. Nishii fails to teach of notifying an operator of detected data representative of a blank page.

15. Nakajima Toru teaches of an advice means that notifies the user of a blank paper (paragraph 0011), which reads on notifying an operator of detected data representative of a blank page.

Nishii could have easily been modified with the advice means of Nakajima Toru. This modification would have been obvious to one skilled in the art at the time of the invention to notify the user of a blank page.

16. Claim 4,6-10 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Nishii US 6501556 in view of Motoyama US 5550614.

17. Regarding claim 4, Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page (column 2, lines 24-28,column 6, lines 66-67, column 7, lines 1-4 and figure 5), which reads on a method operative to automatically exclude a blank page in an input stream of a printing system job from an output stream of the printing system job, the method comprising the steps of detecting data representative of a blank page in the input stream and deleting the data representative of the blank page from the input stream, thereby excluding the blank page from the output stream.

18. Nishii fails to teach of statistically sampling marking information across data representative of a page and detecting data representative of a blank page based on comparison of results of the statistical sampling to a threshold value.

19. Motoyama teaches of comparing a digital page data to a black spot threshold. Then a blank page counter is incremented if the black spot threshold is not exceeded and the blank page counter is compared to a blank page threshold (column 2, lines 39-

45). This reads on statistically sampling marking information across data representative of a page and detecting data representative of a blank page based on comparison of results of the statistical sampling to a threshold value.

Nishii could have easily been modified to sample marking information across a page and detecting a blank page based on sampling to a threshold of Motoyama. This modification would have been obvious to one skilled in the art at the time of the invention to determine unwanted pages.

20. Regarding claim 6, Motoyama teaches of black spots in the digital page (column 2, lines 39-45), which reads on describing characteristics comprises describing characteristics of a blank sheet.

21. Regarding claim 7, claim 7 is rejected for the same reasons as claim 6.

22. Regarding claim 8, Motoyama teaches of comparing a digital page data to a black spot threshold (column 2, lines 39-45), which reads on searching within input image data comprises measuring a percentage of marking of a sheet.

23. Regarding claim 9, Motoyama teaches of scanning a page to generate digital page data and comparing the digital page data to a black spot threshold (column 2, lines 38-40), which reads on the step of searching within input image data comprises using pattern recognition techniques to search for matching characteristics.

24. Regarding claim 10, Motoyama teaches of black spots in the digital page (column 2, lines 39-45), which reads on describing characteristics comprises describing characteristics of a blank sheet.

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25. Regarding claim 19, Motoyama teaches of a fax/telephone processor (column 4, lines 33-40), which reads on the image destination comprises a facsimile modem.

26. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishii US 6501556 in view of Ota US 6233057.

27. Regarding claim 16, Nishii teaches of a blank page detector (10) that detects blank pages (column 6, lines 66-67). He also teaches that once the blank page is detected, the interpreting section (9) deletes the blank page (column 6, lines 55-67, column 7, lines 1-5, figure 5). This reads on a printing system operative to automatically remove unwanted portions of input image data, the printing system comprising: a pattern detector operative to receive a description of an unwanted portion of the input image data, search for a portion of the input image data that corresponds to the unwanted portion description, and relate information about a found portion that corresponds to the description; and a portion deleter operative to receive information from the pattern detector regarding a location of the at least one unwanted portion of the input image data and to remove the at least one unwanted portion of the input image data to generate output image data.

28. Nishii fails to teach of an pre-collation memory operative to store image data and provide a working area wherein the portion deleter modifies the image data generate output image data.

29. Ota teaches of removing blank pages and re-numbering the pages (figures 2, 3A and B), which reads on an electronic pre-collation memory operative to store image

data and provide a working area wherein the portion deleter modifies the image data to generate output image data.

Allowable Subject Matter

30. Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

31. Regarding claim 11, prior art fails to teach of notifying an operator that a unwanted portion has been located.

32. Regarding claim 12, prior art fails to teach of deleting unwanted portion from input data.

Conclusion

1. Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (703) 305-8683 and fax number is (703) 746-3006. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (703) 305-4863

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Michael Burleson
Patent Examiner
Art Unit 2626

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September 2, 2004

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SUPERVISORY PATENT EXAMINER